

186 Center Street Suite 290 Clinton, NJ 08809 (908) 735-9315 (908) 735-2132 FAX

June 15, 2011

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 49 – May 2011 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn and Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

# (a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

## Meetings/Conference Calls

- On May 19, CPG and EPA representatives met as part of the regular update meetings to discuss response to comments on the Low Resolution Coring (LRC) Report and characterization of River Mile 10.9 sediment.
- On May 25, an EPA/CPG modeling subgroup meeting was conducted.

Ms. S. Vaughn and Ms. A. Yeh LPRSA RI/FS - Progress Report No. 49 – May 2011 June 15, 2011 Page 2 of 7

#### Correspondence

- On May 3, CPG submitted mapping data used in the Field Sampling Plan Volume 2 (FSP2) field work to EPA.
- On May 5 CPG provided responses to EPA May 4 email questions on 2009 FSP2 data submissions.
- On May 6, CPG and EPA exchanged emails regarding bivalve mortality observed during the Caged Bivalve Study (CBS) Day 56 cage check.
- On May 12, EPA provided partial comments on CPG's Small Volume Chemical Water Column Monitoring (SV CWCM) QAPP Response to Comments (RTC).
- On May 13, CPG submitted the Monthly Progress Report to EPA.
- On May 16, CPG submitted the revised 2010 Bathymetry Report to EPA.
- On May 16 and 17, CPG and EPA exchanged emails regarding impact of weather conditions on the spring 2011 Avian Survey.
- On May 16, EPA submitted revised Chemical Fate & Transport Model code to CPG.
- On May 19, EPA provided preliminary acceptance of the CPG's modeling proposal regarding carbon behavior and requested a final memo from the CPG expanding on the previous carbon proposal memo to document the approach.
- On May 19, CPG updated EPA on the status of the spring 2011 Avian Survey and re-scheduling of the remaining survey work for the week of May 23.
- On May 20, EPA responded to questions from the CPG regarding the spring 2011 Avian Survey.
- On May 24, CPG notified the EPA of the CBS Day 75 cage check findings.
- On May 25, EPA provided sediment split sample data from the 2009 Benthic Survey sediment samples to CPG.
- On May 26, CPG submitted a memo to EPA on the comparison of achievable laboratory detection limits to Data Quality Levels (DQLs) for caged bivalve tissue analysis.
- On May 26, EPA provided additional comments on the SV CWCM QAPP RTC to CPG.
- On May 26, CPG submitted a revised LPRSA RI/FS Study Schedule to EPA.
- On May 31, EPA provided crab tissue split sample data from the 2009 Fish/Decapod Tissue Collection Survey to CPG.
- On May 31, EPA provided a response to Tierra Solutions' May 22 proposal for the Newark Bay sampling locations/component of the SV CWCM QAPP.



Ms. S. Vaughn and Ms. A. Yeh LPRSA RI/FS - Progress Report No. 49 – May 2011 June 15, 2011 Page 3 of 7

#### Work

- CPG conducted the CBS Day 56 check of the caged bivalves at the estuarine and freshwater locations on May 5 and 6. On May 9, the ribbed mussel cages were pulled because of the high mortality observed in the estuarine portion of the river during the Day 56 check.
- CPG conducted the CBS Day 75 check of the caged bivalves at the estuarine and freshwater locations on May 24.
- CPG suspended the spring 2011 Avian Survey on May 17 due to weather conditions.
- CPG re-mobilized on May 23 and completed the spring 2011 Avian Survey.
- CPG completed addressing comments on the Bathymetry Survey Report for the June 2010 Multibeam Survey.
- CPG began developing responses to EPA comments on the SV CWCM QAPP received on May 12.
- CPG continued planning activities for the High Volume CWCM QAPP Addendum.
- CPG continued reviewing and responding to EPA's comments on the risk assessment planning documents (Background/Reference Site and Toxicity Reference Value documents).
- CPG continued responding to EPA's April 7 comments on the Habitat Survey . Report.
- CPG Modeling Team completed the wave data analysis and wave model validation for Newark Bay.
- CPG Modeling Team conducted analysis of the PWCM data to support Sediment Transport Model development and calibration.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.
- CPG Modeling Team conducted sensitivity simulations and other analysis in relation to the collaboration meetings with EPA and EPA consultants
- CPG continued drafting the winter/spring 2010 Fish Community Survey field report.
- CPG continued drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG continued responding to EPA comments on the spring 2010 Benthic Community Survey field report.

Ms. S. Vaughn and Ms. A. Yeh LPRSA RI/FS - Progress Report No. 49 – May 2011 June 15, 2011 Page 4 of 7

- CPG continued drafting the summer 2010 Benthic Community Survey field report.
- CPG continued drafting of the summer/fall 2009 Fish/Decapod Tissue Data Report.
- CPG continued drafting of the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG continued drafting of the fall 2009 Benthic Bioaccumulation Tissue Data Report.
- CPG continued finalizing the 2010 Habitat Survey Report.
- CPG began revising the LRC QAPP to conduct the River Mile 10.9 characterization activities.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

### (b) Results of Sampling and Tests

None.

# (c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will complete drafting the winter/spring 2010 Fish Community Survey field report.
- CPG will complete drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will complete revisions to the spring 2010 Benthic Community Survey field report in response to EPA comments.
- CPG will complete drafting of the summer 2010 Benthic Community Survey field report.
- CPG will continue drafting the summer/fall 2009 Fish/Decapod Tissue Data Report.
- CPG will continue drafting the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG will continue drafting the fall 2009 Benthic Bioaccumulation Tissue Data Report.

Ms. S. Vaughn and Ms. A. Yeh LPRSA RI/FS - Progress Report No. 49 – May 2011 June 15, 2011 Page 5 of 7

- CPG will continue drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.
- CPG will complete revisions to the Habitat Survey Report in response to EPA comments.
- CPG will initiate drafting of the winter and spring 2011 Avian Survey report.
- CPG will complete field work (cage checks) for the CBS.
- CPG will continue to revise the risk assessment planning documents (Background/Reference Site and Toxicity Reference Value documents) in response to EPA comments.
- CPG will complete revisions to the SV CWCM QAPP and initiate preparations for the first SV CWCM monitoring event.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs.
- CPG Modeling Team will prepare a more detailed description of the Organic Carbon model simplification based on the discussion with EPA team for its approval and immediate implementation.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.
- CPG will continue preparing the LRC QAPP Addendum for characterization of sediment located at River Mile 10.9 and initiate planning for mobilization.

# (d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

 Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow



Ms. S. Vaughn and Ms. A. Yeh LPRSA RI/FS - Progress Report No. 49 – May 2011 June 15, 2011 Page 6 of 7

calibration and its long-term daily calibration. The EPA and CPG collaboration meetings were conducted in April and May and a third meeting is scheduled for July; these are meeting are providing an opportunity for both modeling team to understand differences between each teams approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling are extending the completion of the LPRSA RI/FS.

- The CPG received the EPA comments on its April 15, 2011 response to comments to the EPA's November 4, 2010 comments on the draft SV CWCM QAPP. The CPG is revising the QAPP and will submit the documents in June and anticipates initiating the program in early August 2011. The delays associated with both the SV CWCM and CSO (see below) Programs have extended the completion of the RI/FS to January 2015.
- The CPG understands that the EPA has approved Tierra's CSO/SWO Workplan in May 2011. It is CPG's understanding that the AOC has to be signed between the EPA and Tierra. It is also the CPG's understanding the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work The extent of the RI/FS schedule impacts are dependent on the completion of these items.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's September 10, 2010 comments. Resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. The revised risk assessment planning documents were submitted to EPA on February 10 and being reviewed by EPA. The CPG is drafting and/or revising of the TRV deliverable, Reference/Background document, Data Usability and Life History Profiles
- The revisions to the LRC Report directed by EPA in its June 2010 and January 2011 comment letters are currently being conducted by the CPG. As a result of the EPA-CPG February 24 teleconference and in response to January 2011 Specific Comment 1, EPA has provided the CPG with: 1) original Axys PCDD/PCDF split results EDD; 2) EQA Data Validation reports; 3) adjusted CDM MEDD; and 4) guidance on how to document the adjustment in form of a data qualifier or specific method code. As discussed with EPA on May 19 and 26, the CPG has identified some questions regarding the LRC Split Data set and it was

Ms. S. Vaughn and Ms. A. Yeh LPRSA RI/FS - Progress Report No. 49 – May 2011 June 15, 2011 Page 7 of 7

have agreed to delay the submission of the LRC report past the planned date of June 17, 2011.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter

**Project Coordinator** 

cc: Pat Hick, EPA Office of Regional Counsel

William Hyatt, CPG Coordinating Counsel

Lisa Baron, USACE Tim Kubiak, USFWS Reyhan Mehran, NOAA

Janine MacGregor, NJDEP

Elkins Green, NJDOT

Laura Kelmar, AECOM